

REMARKS

The Applicant respectfully requests reconsideration in view of the following remarks and amendments. Claims 4, 10, and 11 are amended. Claims 1-3 and 9 are canceled. Accordingly, claims 4-8, 10 and 11 are pending in the application.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 1, 3, 4, and 6-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,836,565 issued to Nishikawa (hereinafter "Nishikawa"). To establish an anticipation rejection the Examiner must show that the cited reference teaches each element of a claim.

Claims 1, 3, and 9 have been canceled. Thus, the Examiner's rejection is moot.

Claim 4, as amended, recites the elements of "a second information extractor to extract the information . . . according to a second extraction method different from the first extraction method, *only* when the information cannot be extracted by the first information extractor, *the second extraction method taking a longer time than the first extraction method*" (emphasis added). Support for the amendments may be found, for example, in paragraph [0044] of the Specification. Nishikawa fails to teach these elements as discussed below.

As cited by the Examiner on page 7 of the Final Office Action, Nishikawa in Fig. 11 teaches that, after being inserted into image data, a gamma correction tag is extracted (that the Examiner has characterized as a "first extraction method") from the image data. See Nishikawa, column 7, lines 57-60; column 10, lines 7-16; Fig. 11. Next, Nishikawa teaches that reduced image data as shown in Fig. 2 is extracted (that the Examiner has characterized as "a second extraction method"). In the Response to Arguments (see page 3 of the Final Office Action), the Examiner stated, "Nishikawa is merely teaching two different information addition/extraction methods by which the information related to perform the first type of image processing can be achieved." However, Nishikawa fails to teach or suggest that the extraction of the reduced image data takes "a longer time than the first extraction method" (i.e., the extraction of the gamma correction tag). As a result, Nishikawa at least fails to teach the elements of "the second extraction method taking a longer time than the first extraction method" (emphasis added) as

recited in claim 4. Thus, in view of at least the foregoing reasons, Nishikawa fails to teach each element of claim 4. In addition, claims 6-8 are patentable over Nishikawa because each of these claims depends on claim 4. Accordingly, reconsideration and withdrawal of the rejection of claims 4 and 6-8 are respectfully requested.

With respect to claims 10 and 11, these claims, as amended, recites analogous elements to those in claim 4. Therefore, for at least the reasons mentioned in connection with claim 4, Nishikawa fails to teach each element of claims 10 and 11. Accordingly, reconsideration and withdrawal of the rejection of claims 10 and 11 are respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 103

Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being obvious over Nishikawa in view of U.S. Patent Publication No. 2003/0048922 filed by Rhoads (hereinafter “Rhoads”) in view of U.S. Patent No. 2003/0032033 filed by Anglin et al. (hereinafter “Anglin”).

Claim 2 has been canceled. Thus, the Examiner's rejection is moot.

With respect to claim 5, this claim depends on 4 and incorporates the limitations thereof. Therefore, for at least the reasons mentioned in connection with claim 4, Nishikawa fails to teach each element of claim 5. In addition, Rhoads and Anglin fail to teach or suggest the missing elements. The Examiner has not cited and Applicant is unable to discern the portions of Rhoads and Anglin that allegedly teach or suggest the missing elements of claim 4. Consequently, for at least these reasons, Nishikawa in view of Rhoads in further view of Anglin fails to teach or suggest each element of claim 5. Accordingly, reconsideration and withdrawal of the rejection of claim 5 are respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (408) 720 8300.

Respectfully submitted,

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